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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,451	11/10/2000	Michael Scott Deiss	RCA88853	3490

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EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/582,451

Applicant(s)

Deiss et al.

Examiner

Shawn An

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 10, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Nov 10, 2000 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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## **DETAILED ACTION**

### ***Response to Preliminary Amendment***

1. As per Applicant's instructions as filed on 11/10/2000, claims 1-7 and 10 have been amended.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1527" has been used to designate both microprocessor and speakers. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Williams (6,134,419).

**Regarding claim 1**, Williams discloses a receiver comprising:

means (Fig. 8, 110) for receiving a packetized input data stream comprised of multiplexed and compressed packets having header and payload data (Fig. 1);

means (Fig. 8, 54, 56) for receiving a digitized audio signal and a digitized video signal;

means for partitioning (Figs. 7-8, 120) the packetized data stream to generate a video component and an audio component;

first means (Fig. 8, 122) for digital signal processing to generate a decompressed video output signal in response to one of the video component of the packetized data stream and the digitized video signal;

second means (Fig. 8, 123) for digital signal processing to generate a decompressed audio output signal in response to one of the audio component and the digitized audio signal; and

means for transposing the video output signal to a displayable video signal (Fig. 8, 125) and the audio output signal to an audible output signal (Fig. 8, 127).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (6,134,419) in view of Dean (5,963,261).

**Regarding claim 9**, Williams discloses a method for processing an input signal, comprising:

receiving a digitized audio signal and a digitized video signal (Fig. 8, 56, QPSK; Fig. 4; col. 11, lines 39-43);

partitioning one of the packetized data stream to generate a video component and an audio component (Figs. 7-8, 120; col. 16, lines 32-38);

processing one of the video component of the packetized data stream and the digitized video signal to generate a decompressed video output signal (Fig. 8, 122; col. 15, lines 63-67);

processing one of the audio component of the packetized data stream and the digitized audio signal to generate a decompressed audio output signal (Fig. 8, 123; col. 16, lines 4-10);  
and

transposing the video output signal to a displayable video signal (col. 16, lines 1-4) and the audio output signal to an audible output signal (col. 16, lines 7-10).

Williams does not particularly disclose converting the digitized video signal into a progressive scan format.

However, Dean teaches converting an interlace video format into a video signal having a progressive scan format or visa-versa (Fig. 1), such as to be used for a digital receiver (col. 3, lines 1-3 and lines 33-50), such as Williams' digital receiver.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a digital receiver as taught by Williams to incorporate Dean's concept of converting the interlace video format into a progressive scan format so as to convert the Williams' digitized video signal into a progressive scan format for providing high quality pictures.

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7. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams as applied to claim 1 above, and further in view of Fujii et al (5,898,695).

**Regarding claims 2 and 4-5**, Williams does not specifically disclose an adjusting means for delaying the output audio signal.

However, Fujii teaches well known adjusting means (Fig. 1, 74) for delaying the output audio signal to be in synchronism with the displayable video signal, and the delaying means being connected to the second processing means (audio decoder) and the partitioning means (data bus).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a digital receiver as taught by Williams to connect the Fujii et al's adjustable (delay) means to the Williams's second processing means and the partitioning means for delaying the output audio signal to be in synchronism with the displayable video signal.

**Regarding claim 3**, Fujii et al discloses delaying means comprising an adjustable memory device (Fig. 1, RAM).

**Regarding claims 6-7**, The Examiner takes official notice that a subsequent/secondary audio processing such as Six Channel Dolby Digital Surround Processor was well known at the time the invention was made.

8. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams as applied to claim 1 above, and further in view of Dean (5,963,261).

**Regarding claim 8**, Williams does not particularly disclose a means for converting the digitized interlace video format into a digitized video signal having a progressive scan format.

However, Dean teaches a conventional means for converting the interlace video format into a video signal having a progressive scan format (Fig. 1), such as to be used for a digital receiver (col. 3, lines 1-3 and lines 33-50), such as William's digital receiver.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a digital receiver as taught by Williams' to incorporate the means for converting the

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interlace video format into a video signal having a progressive scan format as taught by Dean for providing high quality pictures.

9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams and Dean as applied to claim 9 above, and further in view of Fujii et al (5,898,695).

**Regarding claim 10**, Williams does not specifically disclose delaying the output audio signal.

However, Fujii teaches well known concept of delaying the output audio signal to be in synchronism with the displayable video signal (Fig. 1, 74; col. 8, lines 12-20).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a digital receiver as taught by Williams to incorporate the Fujii's concept of delaying the output audio signal to be in synchronism with the displayable video signal.

**Regarding claim 11**, Fujii discloses providing the audio output signal to an adjustable memory (Fig. 1, 74, RAM).

**Regarding claim 12**, the Examiner takes official notice that subsequent/secondary audio processing such as Six Channel Dolby Digital Surround Processor was well known at the time the invention was made.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- A) Iwamura (5,844,623), Television with integrated receiver decoder.
- B) Nuber et al (5,703,877), Acquisition and error recovery of audio data carried in a packetized data stream.
- C) Limberg (6,061,096), Digital-and-Analog TV signal receiver each with single first detector and shared high-band I-F amplification.

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- D) Kostreski et al (6,130,898), Simulcasting digital video programs for broadcast and interactive services.
- E) Oku et al (6,310,654 B1), Decoder device and receiver using the same.
- F) Naimpally et al (5,818,539), System and method for updating a system time constraint (STC) counter following a discontinuity in an MPEG-2 transport data stream.
- G) Silver (5,387,943), Semiautomatic lip sync recovery system.

11. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday-Friday (Monday off).

SHAWN S. AN  
PATENT EXAMINER

SSA :

January 10, 2003